

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

THE ESTATE OF YARON UNGAR, et al.

v.

C.A. No. 00 - 105L

THE PALESTINIAN AUTHORITY, et al.

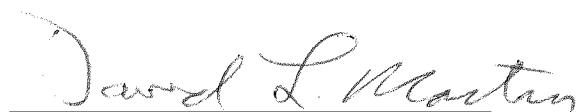
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U.S. DISTRICT COURT
DISTRICT OF RHODE ISLAND
ORDER

This matter was heard on May 14, 2003 by Magistrate Judge David L. Martin on the Motion for Protective Order filed by the Palestinian Authority and the Palestine Liberation Organization and it is hereby ordered:

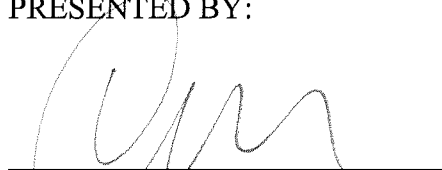
1. The Motion for Protective Order is denied for the following reasons:
 - a. Defendants did not respond at all to the discovery propounded by the plaintiffs. When the plaintiffs noticed the depositions and sought confirmation from the defendants whether or not the deponents would be appearing, their letter was not responded to. This Court had indicated that if there was a problem with the location or other matters regarding the depositions, then the defendants could raise an objection. However, in fact, the defendants have adhered to their course of conduct which is not to participate in terms of the discovery process, not to participate in this action by answering, and they are now in default.
 - b. The Court does not find that any of the reasons offered by the defendants warrant issuance of a protective order. The Court agrees with the arguments made by the plaintiffs in opposition to the motion for a protective order, particularly the fact that the support offered for the protective order is a letter dated January 27, 2003, from Dr. Nassar Al-Kidwa, Ambassador, permanent observer of Palestine, United Nations. As plaintiffs correctly note, this is an unsworn document. It is not an affidavit. The Court read it, but finds that it is certainly insufficient to persuade this Court that a protective order should issue.
 - c. The arguments made by the defendants regarding sovereign immunity and the peace process have previously been made in their efforts to defeat jurisdiction in this matter, and Judge Lagueux has ruled against them. They are now seeking review in the First Circuit. I do not find, however, that the fact that they are seeking review in the First Circuit is a basis to grant a protective order, particularly in view of the fact that the defendants

essentially ignored the request for discovery and made no attempt to respond in any manner to the request for discovery.

SO ORDERED.


Magistrate Judge David L. Martin
United States District Court

PRESENTED BY:


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CERTIFICATION

I hereby certify that on the 21 day of May, 2003 I mailed a true copy of the within to:

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